

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION : MDL No. 2804
OPIATE LITIGATION :
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Case No. 1:17-md-2804
Cleveland, Ohio
:
APPLIES TO ALL CASES :
:
:
Thursday, May 10, 2018
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TRANSCRIPT OF STATUS CONFERENCE

HELD BEFORE THE HONORABLE DAN AARON POLSTER

UNITED STATES DISTRICT JUDGE

and

THE HONORABLE DAVID A. RUIZ

UNITED STATES MAGISTRATE JUDGE

Court Reporter: Lance A. Boardman, RDR, CRR
United States District Court
801 West Superior Avenue
Court Reporters 7-189
Cleveland, Ohio 44113
216.357.7186

Proceedings recorded by mechanical stenography; transcript
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EXHIBIT

A

09:14:24 1 concerning the various business models that exist in our
09:14:30 2 healthcare system in the United States and nonlitigation
09:14:35 3 issues that can be addressed in a cooperative way beyond
09:14:39 4 just litigation to address the opioid crisis.

09:14:45 5 And so we want the Court to know that the parties are
09:14:49 6 in a very cooperative way addressing all of the issues that
09:14:53 7 we have in the litigation, and we will also be focusing on
09:14:58 8 nonlitigation solutions to problems that we may be able to
09:15:03 9 facilitate here in the multidistrict litigation in
09:15:08 10 accordance with your desire that we look at this problem
09:15:11 11 holistically rather than just a litigation problem.

09:15:16 12 Thank you, Your Honor.

09:15:17 13 THE COURT: Thank you, Mr. McGovern.

09:15:21 14 Special Master Cohen.

09:15:27 15 MR. COHEN: Thank you, Judge.

09:15:34 16 Special Master McGovern of course went first to
09:15:37 17 discuss negotiations to resolve this dispute because that's
09:15:42 18 the more important goal. I'm here to chat just very briefly
09:15:45 19 and to give the Court and everyone in the room and on the
09:15:49 20 phone a quick overview of what we're calling the litigation
09:15:53 21 track.

09:15:54 22 We have a settlement track which we're pursuing with
09:15:56 23 vigor. We have a litigation track that I should make clear
09:16:00 24 your special masters believe is in aid of settlement and not
09:16:06 25 instead of settlement. The purpose and the point of

09:16:09 1 litigating the legal issues that the parties have identified
09:16:13 2 is to make it easier to come to a resolution, and we believe
09:16:18 3 that that's really the point of it and that that will
09:16:20 4 happen.

09:16:24 5 As the Court knows, the case management order, the
09:16:27 6 first case management order went on less than one month ago,
09:16:30 7 on April 11th. And the case management order created a
09:16:36 8 litigation track for sovereigns, which is both states and
09:16:42 9 Indian tribes, Native American Indian tribes, local
09:16:47 10 governmental entities, being counties and cities, hospitals,
09:16:50 11 and third-party payors.

09:16:53 12 Since then, there are other groups or entities that
09:16:57 13 have sought to also join the litigation, and those are
09:17:00 14 litigation issues the Court is going to have to address.
09:17:03 15 For example, there are class actions that have been filed,
09:17:10 16 purported class actions representing babies who suffer from
09:17:12 17 neonatal abstinence syndrome. That is a different group
09:17:18 18 that the Court has not yet worked with.

09:17:22 19 There are class actions purportedly representing
09:17:27 20 everyone who has ever paid private insurance. And again,
09:17:32 21 that's something that the Court is going to have to get its
09:17:34 22 hands around.

09:17:35 23 This is obviously one of the most, if not the most
09:17:39 24 complex pieces of litigation that the federal system has
09:17:43 25 seen. That's a consistent statement made by every attorney